

ESTTA Tracking number: **ESTTA684903**

Filing date: **07/21/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217109
Party	Defendant Bad Dragon Enterprises, Inc.
Correspondence Address	MICHAEL B DVOREN WEISS & MOY PC 4204 N BROWN AVE SCOTTSDALE, AZ 85251 UNITED STATES mdvoren@weissiplaw.com
Submission	Withdrawal Of Application
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Date	07/21/2015
Attachments	Notice of Express Abandonment _FINAL.pdf(27555 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Duke University,

Opposer,

v.

Bad Dragon Enterprises, Inc.,

Applicant.

Opposition No. 91217109

Serial No.: 86136430

Mark: DUKE'S BUTT

Filed: December 5, 2013

Published: February 11, 2014

NOTICE OF EXPRESS ABANDONMENT OF APPLICATION

Purely as a business decision and without it constituting any admission, fault, liability or wrongdoing of any kind, Applicant Bad Dragon Enterprises, Inc. ("Applicant") elects to expressly abandon its application for DUKE'S BUTT, Serial No. 86136430 (the "Mark"). On July 13, 2015, Applicant again requested Opposer Duke University's ("Opposer") written consent to abandon its application for the Mark but has received no response.

Although Applicant acknowledges that Opposer's counsel has had some difficulties over the past months which have caused understandable delays, Applicant has attempted to negotiate a resolution with Opposer in good faith for almost a year now and Opposer has been largely unresponsive. As such, Applicant has chosen not to waste any further time or resources on this Opposition.

Applicant is aware of TBMP § 602.01 and Trademark Rule 2.135, which instructs that "[a]fter the commencement of an opposition ... proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant." While Applicant acknowledges that a "judgment" entered against it means that its application for the Mark will not achieve registration, Applicant maintains and incorporates here by reference, each and every

denial and assertion set forth in its November 21, 2014 Answer and expressly reserves all of its rights.

Dated: July 21, 2015

Respectfully submitted,

WEISS & MOY, P.C.

/Michael B. Dvoren/

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2015, a true and complete copy of the foregoing document was served electronically via the Trademark Trial and Appeal Board Electronic Filing System (ESTTA), and via e-mail pursuant to agreement between the parties, on the following:

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